

Page 1

COPY

Page 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DOUGLAS W. BAILLIE,

Plaintiff,

vs.

CHUBB &amp; SON INSURANCE:

Defendant

CASE NO.  
C-1-02-062

DEPOSITION OF: DIETER WILHELM WOLFGANG KORTE

TAKEN: By the Plaintiff

DATE: February 27, 2003

TIME: Commencing at 9:00 a.m.

PLACE: Offices of:  
Freking & Betz  
215 East Ninth Street  
Fifth Floor  
Cincinnati, Ohio 45202BEFORE: RAYMOND E. SIMONSON  
Registered Merit Reporter  
Notary Public - State of Ohio

## I N D E X

DIETER WILHELM WOLFGANG KORTE

PAGE

CROSS-EXAMINATION BY MR. FREKING:

4

COMPUTER  
DISK

Page 2

Page 4

## APPEARANCES:

On behalf of the Plaintiff:

RANDOLPH H. FREKING, ESQ.  
of  
Freking & Betz  
215 East Ninth Street  
Fifth Floor  
Cincinnati, Ohio 45202

On behalf of the Defendant:

DAVID T. CROALL, ESQ.,  
of  
Porter, Wright, Morris & Arthur  
250 East Fifth Street, Suite 2200  
Cincinnati, Ohio 45202-5117

## STIPULATIONS

It is stipulated by and between counsel for the respective parties that the deposition of DIETER WILHELM WOLFGANG KORTE, a witness herein, may be taken at this time by Counsel for the Plaintiff as upon cross-examination pursuant to the Federal Rules of Civil Procedure; that the deposition may be taken in stenotypy by the notary public-court reporter and transcribed by him out of the presence of the witness; that the transcribed deposition is to be submitted to the witness for his examination and signature; and that signature may be affixed out of the presence of the notary public-court reporter.

DIETER WILHELM WOLFGANG KORTE

of lawful age, a witness herein, being first duly sworn as hereinafter certified, was examined and testified as follows:

## CROSS-EXAMINATION

BY MR. FREKING:

Q. Hi, Dieter.

A. Hi.

Q. How you are you?

A. Good.

Q. We just met, but my name is Randy Freking, and I represent Doug Baillie in connection with the matter he's brought here in Federal Court in Cincinnati, and we're here today to conduct your deposition.

Ray will take down your answers to various questions. And we just ask you to consider, you know, the questions as carefully as possible and take whatever time you need to answer the questions. There's no time deadline whatsoever. I know you've got to leave by 11:20, but that doesn't mean we have to finish by that time.

A. Okay.

Q. We can always resume on another date. So take whatever time you need to answer questions today.

Exhibit J

Page 109

1 MR. CROALL: Object on the speculation and  
2 hypothetical.  
3 But you can answer if you can.  
4 A. No.  
5 Q. It sounds like your discomfort was caused by  
6 the fact Pesce was there.  
7 A. Right.  
8 Q. Now let me ask you: Did he say anything --  
9 first of all, did you take --  
10 A. Can I just add to that last?  
11 Q. Sure.  
12 A. I was not comfortable sharing financial  
13 results with him because he no longer worked for the  
14 organization, but I felt that --  
15 Q. Oh, I see.  
16 A. -- in vague terms I could probably relate to  
17 him what was going on.  
18 Q. That's fair. Do you disagree -- do you  
19 think his statement, or in substance his statement that "I  
20 laid the groundwork" -- do you think that was  
21 fundamentally false?  
22 THE WITNESS (to Mr. Croall): Do I answer  
23 that?  
24 MR. CROALL: If you can.

Page 110

1 Q. Do you agree or disagree with that?  
2 A. It wasn't completely false. I mean, he was  
3 the branch manager. We performed a cleanup of the book  
4 while he was a branch manager.  
5 Q. So it's probably a fair statement?  
6 A. It's -- yeah. I mean, he was in charge of  
7 the branch at the time.  
8 Q. Okay.  
9 A. The cleanup of the book was performed, so...  
10 Q. Now, how would you characterize the  
11 statement that "they kicked me out the door"?  
12 Do you think that's true or false?  
13 A. I -- I would tell you that I didn't know  
14 these -- you know, the reasons surrounding his departure,  
15 so I couldn't tell that they kicked him out the door or  
16 not. That was his comment to me.  
17 Q. You just knew he was out the door?  
18 A. That's correct.  
19 Q. And you said he was very bitter?  
20 A. Yeah.  
21 Q. Okay.  
22 A. He was upset, very -- I would characterize  
23 it -- if I can do that, I would characterize it as very  
24 unusual for the way I had perceived Doug.

Page 111

1 Q. Okay.  
2 A. Pretty much out of character.  
3 Q. Pretty much out of character?  
4 A. Yes.  
5 Q. Okay.  
6 A. The way I had observed Doug in the past,  
7 interacted with him.  
8 Q. His personality seemed different?  
9 A. Yeah.  
10 Q. How long do you think this conversation was?  
11 A. Five, ten minutes.  
12 Q. Was he like animated during this  
13 conversation? Like how people get when they get upset?  
14 Kind of arms going more than usual?  
15 A. No. I don't think he used his arms.  
16 Q. Any other ways that you could tell that he  
17 was like just upset or uncomfortable?  
18 A. It was probably the tone of his voice and  
19 kind of just the way he made the comment, but I'm  
20 speculating on that. I mean, to me it appeared that he  
21 was upset.  
22 Q. Were you surprised about that, given that it  
23 was maybe two, three months after the fact and he was  
24 still upset or bitter?

Page 112

1 A. Was I surprised at the time?  
2 Q. Were you kind of surprised at his tone?  
3 Were you expecting --  
4 A. Well, I mean, given the phone call that I  
5 had received the last day of his employment and that  
6 reaction, yeah, it was surprising. Like I said, I mean,  
7 it appeared out of character.  
8 Q. Anything else you recall from that  
9 conversation in the sense that he appeared to be upset in  
10 any other manner? Was he -- you know, could you just --  
11 could you kind of tell by facial expression?  
12 A. I could tell from probably the tone of his  
13 voice more than anything else.  
14 Q. You could tell --  
15 A. And just the way he described like, "I got  
16 kicked out the door." I mean, that to me symbolizes  
17 somebody upset rather than somebody who is happy with his  
18 current state.  
19 Q. You could tell he was hurt?  
20 A. I could tell he was upset, yeah.  
21 Q. Okay. Anything else you remember about  
22 that? Anything about his -- the way he looked? The way  
23 he acted?  
24 A. I mean, he was wearing a suit.